

REMARKS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 28-43 are pending in this application.

Claims 1-27 have been canceled. Accordingly, the various rejections under 35 U.S.C. §112, §102 and §103 presented in the Office Action dated January 2, 2008 are deemed moot. Applicant submits that new claims 28-43 are in conformance with 35 U.S.C. §112, second paragraph. Applicant further submits that claims 28-43 are not anticipated by Kawase et al. (hereinafter “Kawase”) under 35 U.S.C. §102, and not rendered obvious over Kawase in view of Kato et al., Mizutani et al., Mieno et al., and/or Kawanabe et al.

For example, Kawase, alone or in combination with any of the above-noted secondary references, fails to disclose or even suggest “a controller that determines a completion of activation of the first cell for allowing to start making use of the first signal at a first time moment at which a first predetermined period of time elapses after the electric power has been started to be supplied to the heater to activate at least the one of the first cell and the second cell, and determines a completion of activation of the second cell for allowing to start making use of the second signal at a second time moment which is different from the first time moment, so that the first electric current indicating the concentration of oxygen in the measurement gas is ensured to be used before activation of the second cell is completed,” as required by independent claim 28 and its dependents. Kawase, alone or in combination with any of the above-noted secondary references, also fails to disclose or suggest “a controller that determines a completion of activation of the first cell for allowing to start making use of the first signal at a first time moment at which a first predetermined period of time elapses after the electric power has been started to be supplied to the first and the second cells to activate at least the one of the first cell

and the second cell, and determines a completion of activation of the second cell for allowing to start making use of the second electric current when a predetermined time elapses after the second electric current flowing in the second cell of the gas sensor is fallen into a predetermined range,” as required by independent claim 30 and its dependents or “a controller that determines a completion of activation of the first cell for allowing to start making use of the first signal at a first time moment at which a first predetermined period of time elapses after the electric power has been started to be supplied to at least the first and the second cells to activate at least the one of the first cell and the second cell, and determines a completion of activation of the second cell for allowing to start making use of the second electric current when a predetermined time elapses after the third electric current flowing in the third cell of the gas sensor is fallen into a predetermined range,” as required by independent claim 31 and its dependents.

In particular, rather than disclosing a controller that determines a completion of activation of a first cell and determines a completion of activation of a second cell as required by independent claims 28, 30 and 31, Kawase discloses that there is only one chance (i.e., at step 519 or 523 in Fig. 18) at which it is judged whether or not Kawase’s gas concentration sensor is activated. The result of this judgment is expressed by a sensor inactive flag “FN” whose entry is represented by a value of 0 or 1. A condition “FN=0” indicates that the pump cell (corresponding to the second cell in the context of claims 28, 30 and 31) is so low that the gas concentration sensor cannot operate normally. (See col. 18, lines 35-46.) Kawase, therefore fails to teach or suggest the above-noted claim features of independent claims 28, 30 and 31. None of the above-noted secondary references (Kato et al., Mizutani et al., Mieno et al. and/or Kawanabe et al.) resolve these deficiencies of Kawase. Accordingly, Kawase alone or in combination with the above-noted secondary references fail to appreciate the benefit of a normal

NIWA, M.
Appl. No. 10/681,138
September 2, 2008

operating condition for detecting a concentration of oxygen by a first cell being attainable in earlier stages. (See page 4, lines 2-3 of the specification.)

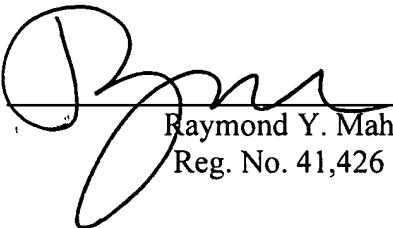
Conclusion:

If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Raymond Y. Mah
Reg. No. 41,426

RYM:dmw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100